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Nisson *et al.*
Appl. No. 09/829,066**Remarks**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1, 3, 4, 6-8, 41 and 72-87 are pending in the application, with claims 1 and 73 being the independent claims. Claims 1, 41 and 73 are sought to be amended. The amendments of claims 1 and 73 are made to include the subject matter of claim 2. Accordingly, claim 2 is sought to be cancelled without prejudice to or disclaimer of its subject matter. The amendment of claim 41 is to correct its dependency. Support for the amendments can be found throughout the specification and in the original and previously presented claims. Claims 82-87 are sought to be added. These new claims respectively track previously presented claims 41, 3, 4, and 6-8. Thus, support for these new claims can be found throughout the specification and in the original and previously presented claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Non-Statutory Double Patenting Rejection of Claims 1-4, 6-8, 41 and 72

Claims 1-4, 6-8, 41 and 72 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Pat. No. 6,268,133 in view of Zarling *et al.* See Office Action mailed February 25, 2004, page 21, beginning at line 1.

Applicants thank the Examiner for pointing out that "[a] timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or

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provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application." *Id.* at page 20, second to last paragraph. Solely to expedite prosecution, Applicants have provided herewith a terminal disclaimer to overcome the rejection.

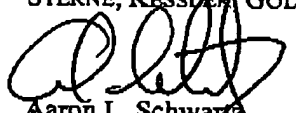
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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